

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

K.S., by and through her parents and next friends,  
T.S. and A.R.,

Plaintiff,

v.

Case No. 1:14-cv-00385 SCY/KBM

THE SANTA FE PUBLIC SCHOOLS;  
VICKIE L. SEWING, in her individual capacity;  
THE ESPANOLA PUBLIC SCHOOLS;  
RUBY E. MONTROYA, in her individual capacity;  
GARY F. GREGOR, in his individual capacity;

Defendants.

**DEFENDANTS' REPLY TO PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION  
TO STAY DISCOVERY ON THE BASIS OF QUALIFIED IMMUNITY**

COME NOW Defendants Santa Fe Public Schools and Vickie L. Sewing, by and through their counsel of record, Brown Law Firm, Brown & Gurulé, by Desiree D. Gurulé and Keya Koul, and hereby submit their Reply to Plaintiff's Response to Defendants' Motion to Stay Discovery on the Basis of Qualified Immunity.

In Plaintiff's Response to Defendants' Motion to Stay Discovery on the Basis of Qualified Immunity, Plaintiff appears to agree with Defendants' argument in the Memorandum in Support of Motion to Stay Discovery on the Basis of Qualified Immunity. Plaintiff states "discovery should proceed in this matter after" the Court's ruling on Defendants' Motion to Dismiss. [Doc. 35 at p. 1 and 2].

Defendants agree that since the defense of qualified immunity has been raised in Defendants' Motion to Dismiss Defendants are entitled to a ruling by the Court on the Motion to Dismiss prior to engaging in discovery and litigation. The purpose of the qualified immunity defense is to protect public officials performing discretionary functions from the burdens, not only

of trial, but of discovery as well. See *Harlow v. Fitzgerald*, 457 U.S. 800 (1982); see also *Jiron v. City of Lakewood*, 392 F.3d 410, 414 (10th Cir. 2004); *Workman v. Jordan*, 958 F.2d 332, 336 (10th Cir. 1992).

Therefore, Defendants Santa Fe Public Schools and Vickie L. Sewing respectfully request that the Motion to Stay Discovery be granted, and that discovery continue to be stayed pending resolution of the qualified immunity issues raised in the pending Motion to Dismiss.

Respectfully submitted:

BROWN LAW FIRM  
BROWN & GURULÉ

Keya Koul 08/18/14  
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I HEREBY CERTIFY that on this 18<sup>th</sup> day of August, 2014, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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/s/ Keya Koul  
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